

(16) adopt the Rehabilitation Act of 1973, as amended in 1992, and any future amendments thereof, in administering vocational rehabilitation services.

§41204. Rehabilitation Advisory Council (RAC) for Division of Vocational Rehabilitation (DVR).

(a) Pursuant to Federal law, there is a Rehabilitation Advisory Council (RAC), that shall advise and assist the Administrator after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities in carrying out the vocational rehabilitation provisions of DVR.

(b) **Composition.** The Administrator will submit nominations for membership of RAC for approval by the Governor and shall be composed of the representatives specified in the Vocational Rehabilitation Act, as amended. The members shall include:

(1) At least one (1) representative of the Statewide Council on Independent Living which representative may be the Chairperson;

(2) At least one (1) representative of a parent training and information center;

(3) At least one (1) representative of the Client Assistance Program;

(4) At least one (1) vocational rehabilitation counselor with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex-officio, nonvoting member if employed by the Division of Vocational Rehabilitation (DVR);

1 (5) At least one (1) representative of community
2 rehabilitation program service providers;

3 (6) At least four (4) representatives of business, industry, and
4 labor;

5 (7) Representatives of disability advocacy groups
6 representing a cross section of individuals with physical, cognitive,
7 sensory and mental disabilities, and parents, family members,
8 guardians, advocates or authorized representatives of individuals
9 with disabilities who have difficulty in representing themselves or
10 are unable due to their disabilities to represent themselves;

11 (8) Current or former applicants for, or recipients of,
12 vocational rehabilitation services; and

13 (9) The Administrator of DVR, who shall be an ex-officio
14 non-voting member.

15 (c) A majority of the council members shall be persons who have
16 disabilities and are not employed by DVR. The RAC members shall elect a
17 chairperson from the membership. Each member of the RAC shall serve a
18 three-year term, but may not serve more than two (2) consecutive full
19 terms. Terms shall be staggered.

20 **§41205. Rehabilitation Advisory Council (RAC) Function.** The RAC
21 shall provide technical assistance and advise DVR on eligibility, order of
22 selection, services provided, performance of DVR and other public and
23 private entities. The RAC shall prepare and submit an annual report by
24 November 30 for the previous fiscal year to the Governor of Guam on the
25 status of the vocational rehabilitation programs within Guam and make
26 the report available to the public.

27 **§41206. Meetings.**

1 (a) The RAC shall convene at least four (4) meetings a year to
2 conduct RAC business that are publicly announced, open and accessible to
3 the public, including individuals with disabilities; and

4 (b) Conduct forums or hearings, as appropriate, that are publicly
5 announced, open and accessible to the public, including individuals with
6 disabilities.

7 **§41207. Compensation.** Federal funds appropriated under Title I
8 of the Rehabilitation Act, as amended, except funds to carry out Sections
9 112 and 130 of the Act, may be used to compensate and reimburse the
10 expenses of the RAC members in accordance with Section 105(g) of the
11 Rehabilitation Act, as amended. The RAC shall serve with compensation
12 and shall be reimbursed for reasonable expenses, including travel
13 expenses, necessary for the performance of their duties.

14 **§41208. Establishment of a Community Rehabilitation Program.**

15 The establishment of a community rehabilitation program means the
16 acquisition, expansion, remodeling or alteration of existing buildings
17 necessary to adapt them to community rehabilitation program purposes or
18 to increase their effectiveness for such purposes, subject, however, to such
19 limitations as the Federal government, or the Administrator, may, by
20 regulation, prescribe in order to prevent impairment of the objectives of,
21 or duplication of, other laws providing assistance in the construction of
22 such facilities for community rehabilitation programs and may include
23 additional equipment and staffing permitted by Federal law or regulation.

24 (a) It is the purpose of this Chapter to extend the opportunities for
25 eligible individuals with disabilities for employment through
26 encouragement of local communities to develop rehabilitation programs
27 and to provide Guam with information concerning their effectiveness in

1 providing employment and rehabilitation services to individuals with
2 disabilities.

3 (b) DVR may provide consultative services to organizations in the
4 establishment and operation of community rehabilitation programs for
5 individuals with disabilities. These consultative service shall include the
6 bringing together of persons interested in the established community
7 rehabilitation programs, surveying community needs, securing the
8 cooperation of other community agencies, planning methods of financing,
9 securing work contracts, establishing professional standards and
10 maintaining of appropriate records.

11 (c) DVR may contract with qualified persons or firms for
12 consultation in such technical fields as accounting, engineering and sales
13 so that the directors and governing bodies of the community rehabilitation
14 programs may be advised as to the desirability of any undertaking, and the
15 best methods of achieving their objectives.

16 (d) It is the intent of DVR to encourage the local government
17 agencies and departments to purchase products manufactured by and
18 services provided by public or private nonprofit Guam corporations
19 operating workshops serving persons with disabilities whenever it is
20 feasible to do so, and the proximity of the public or private nonprofit
21 Guam corporations operating workshops serving individuals with
22 disabilities makes the purchases reasonably convenient, and to provide
23 equality of competitive advantage for organizations operating workshops
24 for persons with disabilities and organizations operating workshops for
25 individuals who are blind.

26 (e) Any local government agencies or departments may, without
27 advertising or calling for bids, purchase materials and supplies

1 manufactured and services provided by public or private nonprofit Guam
2 corporations operating community rehabilitation programs serving
3 persons with disabilities who have indicated an interest in supplying those
4 goods and services and may, on an equitable basis apportion the business
5 among the interested community rehabilitation programs, provided the
6 goods or services meet the specifications and needs of the purchasing
7 agency or department and are purchased at a fair market price, as
8 determined by General Services Agency and provided that the public or
9 private nonprofit Guam corporations comply with all of the following
10 requirements:

11 (1) Contract work obtained under this Section shall be performed
12 by a labor force which is comprised primarily of persons with disabilities,
13 as measured by the percentage of person-hours of direct labor devoted to
14 the contract work.

15 (2) For purposes of this Paragraph, "primarily" means seventy-
16 five percent (75%) or greater.

17 (3) Agree to make those elections permitted of any nonprofit
18 corporation under the Federal Insurance Contributions Act and the Guam
19 Unemployment Insurance Code in order to provide social security and
20 unemployment and disability benefits for its employees commencing with
21 its first contract or purchase order under this Section and continuing
22 thereafter. In the event that the nonprofit corporation ceases to provide
23 those benefits, any existing contract or purchase order under this Section
24 with the corporation is terminated, and no further contracts or purchase
25 orders shall be awarded to that corporation for the period of two (2) years
26 after the corporation ceases to provide benefits. For the purpose of this

1 Subdivision, a person with a disability shall be considered an employee
2 when performing productive work.

3 (4) Provide in its articles of incorporation that at least two (2) of the
4 directors of its board of directors shall be comprised of persons with
5 disabilities or the parents, guardians or conservators of persons with
6 disabilities. Directors who are also employees of the nonprofit corporation
7 shall not participate in, or be present at discussions of, the board of
8 directors concerned with labor-management contract negotiations.

9 (5) Provide for employees with disabilities of the nonprofit
10 corporation benefits and other employer-employee agreements
11 substantially equal to those benefits and agreements entered into between
12 each nonprofit corporation and the representatives designated by a
13 majority of the employees.

14 (6) Not commit any unfair labor practices as defined in Section 8(a) of
15 the National Labor Relations Act.

16 (7) Abide by the provisions of the Federal Fair Labor Standards Act,
17 the Walsh-Healy Public Contract Act, the Wagner O Day Act, and the
18 regulations of the government of Guam Department of Labor.

19 **§41209. Independent Living Services.**

20 (a) DVR may establish and enter into contracts not to exceed three
21 (3) years per contractual period, a nonprofit corporation qualified to
22 provide independent living services. In the event that no nonprofit
23 corporations exist or there are no bid requests from a nonprofit
24 corporation, the contract may be opened to the general public.

25 (b) DVR shall implement the Independent Living Services consistent
26 with the approved Independent Living State Plan.

27 **§41210. Employment of Individuals with Severe Disabilities.**

1 (a) Departments and agencies of the government of Guam shall
2 adopt departmental rules and regulations for the hiring of individuals
3 with severe disabilities. Such rules shall include the granting of preference
4 credits allowed under 4 GCA §4104.

5 (i) **Eligibility Procedures.** An individual with a severe
6 disability is considered to meet the seven hundred (700) hour
7 program eligibility criteria when an appropriate certification is
8 received from a Vocational Rehabilitation counselor. This
9 certification will be based on knowledge of the jobsite by the
10 counselor and will relate to a specific position. The certification must
11 state that in the counselor's judgment the proposed applicant for the
12 position has the minimum skills and ability to perform the duties of
13 the position and is capable to perform the work without hazard to
14 himself/herself or to others.

15 (ii) The Certification must be supported by a report of a
16 medical examination that fully reflects the nature and extent of the
17 disability and a narrative statement from a Guam-licensed medical
18 provider that documents:

- 19 (1) ability of the proposed applicant to do the job,
20 based on the recommended need for a job coach;
- 21 (2) recommendations of job modifications, if needed;
- 22 (3) recommendations for work-site modifications, if
23 needed;
- 24 (4) limitations of the proposed applicant which would
25 affect work in the job situation (modified work schedules,
26 flexible leave policies, acquisition or modification of equipment
27 and/or devices);

(5) other information concerning the proposed applicant which would be helpful in assuring a successful placement.

4 (b) Government of Guam departments and/or agencies shall
5 employ at least two percent (2%) of the work force or two (2) individuals
6 with severe disabilities, whichever is greater and certified by the Division
7 of Vocational Rehabilitation (DVR). Such employment shall be on a
8 temporary, limited-term employment not to exceed a total of seven
9 hundred (700) hours for that particular fiscal year. The Division of
10 Vocational Rehabilitation shall monitor compliance by the departments
11 and/or agencies.

12 (c) Government of Guam departments and/or agencies shall
13 consult with the Administrator of the Division of Vocational Rehabilitation
14 to advise them of which individuals with severe disabilities meet the
15 eligibility criteria. The Division of Vocational Rehabilitation shall
16 maintain a listing of those individuals and their capabilities for reference
17 by the department and/or agency.

18 (d) Government of Guam departments and/or agencies cannot
19 use standards, criteria or other methods of administration have the effect
20 of discrimination on the basis of disability, may not use employment tests
21 or other selection criteria that tend to screen out individuals with
22 disabilities unless the test is related to the job and consistent with
23 government needs, must select and administer employment to individuals
24 with severe disabilities so that they accurately reflect the skills, aptitude
25 and other features they purport to measure.

1 (e) Government of Guam departments and/or agencies should
2 provide reasonable accommodations to an individual with severe
3 disabilities:

4 (i) making existing facilities used by employees readily
5 accessible to persons with disabilities; and

6 (ii) job restructuring; flexible work schedules; acquisition or
7 modifications of equipment or devices; modification of
8 examinations; training materials or policies; and similar
9 accommodations for individuals with severe disabilities.

10 (f) Provisions of this Section shall only apply to all new applicants
11 of the seven hundred (700) hour program upon the enactment of this Act.
12 Participants of the seven hundred (700) hour program prior to this Act's
13 enactment who have been determined having satisfactory performance,
14 either prior to or after the expiration of the seven hundred (700) hours
15 appointment, the position occupied by a person with a disability shall be
16 converted to permanent employment.

17 **§41211. Misuse of Lists and Records.** It shall be unlawful, except
18 for purposes directly connected with the administration of the Vocational
19 Rehabilitation Program, and in accordance with applicable rules and
20 regulations, for any person to solicit, disclose, receive, make use of,
21 authorize, knowingly permit, participate in or acquiesce in, the use of any
22 name of or any information concerning a person applying for or receiving
23 vocational rehabilitation directly or indirectly derived from the records,
24 papers, files or communications of the Council or Division thereof
25 acquired in the course of performance of official duties. Any violation of
26 this Section shall be a misdemeanor.

27 **Article 3**

1 **§41301. Division.** There is a division within the "The Department
2 of Integrated Services for Individuals with Disabilities (DISID)," entitled
3 "Division of Support Services for Individuals with Disabilities (DSSID),"
4 and shall be responsible for the development of a community service
5 delivery system which includes design, implement, administer, coordinate,
6 monitor and evaluate the programs and services of the division for
7 persons with disabilities. DSSID shall not duplicate services already
8 available in the community through local and Federal funding or nonprofit
9 organizations.

10 **§41302. Definitions.**

11 (a) "**Active Services**" means provision of services as specified in an
12 individualized service plan. These services may include, but not limited to,
13 activities, experiences and therapy which are part of a professionally
14 developed and supervised program of health, social, habilitative and
15 developmental services.

16 (b) "**Case Management**" means services to persons with
17 disabilities that assist in gaining access to need social, medical , legal,
18 educational and other services, and includes:

19 (1) Follow along services which assure, through a
20 continuing relationship between an agency or provider and a person
21 with a disability and the individual's parent, if the individual is a
22 minor, or guardian, if a guardian has been appointed for the
23 purpose, that the changing needs of the individual and the family are
24 recognized and appropriately met.

25 (2) Coordinating and monitoring services provided to
26 persons with disabilities by two (2) or more persons, organizations or

1 agencies that are qualified or eligible under other case management
2 programs.

3 (3) Providing information to persons with disabilities about
4 availability of services and assisting the persons in obtaining the
5 services.

6 (c) "**Division**" means the Division of Support Services for
7 Individuals with Disabilities (DSSID).

8 (d) "**Individual with a Disability**" means any individual who:

9 (1) Has a physical or mental impairment (a) that
10 substantially limits one or more of the major life activities of such
11 individual; (b) a record of such an impairment; or (c) being regarded
12 as having such an impairment.

13 (e) "**Administrator**" means the Administrator of Division of Support
14 Services for Individuals with Disabilities (DSSID) who shall be an ex-
15 officio, non-voting member of the Division of Support Services for
16 Individuals with Disabilities Council (DSSID). The Administrator must
17 have at least a bachelors degree in Special Education or Social Work or
18 related subjects and at least four (4) years of experience in community
19 services dealing with persons with disabilities, of which two (2) years shall
20 be administrative. The position shall be of the classified service of the
21 government of Guam. The position Classification Standard and
22 Compensation shall be established by the Civil Service Commission.

23 (f) "**Habilitation**" means the process by which the staff of an
24 agency assists an individual to cope more effectively with the demands of
25 his or her own person and environment and to raise the level of his or her
26 physical, mental and social functioning. Habilitation includes, but is not
27 limited to, programs of formal structured education and treatment.

1 (g) "Individualized service plan" means the written plan for
2 required in Section 41305.

3 (h) "Individually appropriate" means responsive to the needs of
4 the individual, as determined through interdisciplinary assessment and
5 provided pursuant to an individualized service plan.

6 (i) "Interdisciplinary team" means a group of persons that is
7 drawn from or represents those professions, disciplines or service areas
8 that are relevant to identifying an individual's needs and designing a
9 program to meet them, and is responsible for evaluating the individual's
10 needs, developing an individual program plan to meet them, periodically
11 reviewing the individual's response to the plan, and revising the plan
12 accordingly. A complete team includes the individual receiving the service,
13 unless clearly unable to participate; the individual's family, unless their
14 participation has been determined to be inappropriate; those persons who
15 work most directly with the individual each of the professions, disciplines
16 or service areas that provide service to the individual, including direct-
17 care or direct-contact staff; and any other persons whose participation is
18 relevant to identifying the needs of the individual and devising ways to
19 meet them.

20 (j) "Least restrictive" means the least intrusive and least disruptive
21 intervention into the life of an individual with a disability that represents
22 the least departure from normal patterns of living that can be effective in
23 meeting the person's developmental needs.

24 (k) "Inclusive environment" means that environment that
25 represents the least departure from normal patterns of living that can be
26 effective in meeting the individual's needs.

1 (l) "Monitor" means to conduct a systematic, coordinated,
2 objective, qualitative review of services provided by any person, agency or
3 organization.

4 (m) "Representative" means any individual who can advise and
5 advocate for an individual with disabilities, who shall serve at the request
6 and pleasure of such person; provided, that if the person with disabilities is
7 a minor or is legally incapacitated.

8 (n) "Residence" or "residential" means the living space occupied by
9 the individual with a disability, including single-person homes, natural
10 family homes, care homes, group homes, foster homes, institutional
11 facilities and all other types of living arrangements.

12 (o) "Services" means appropriate assistance provided to an
13 individual with a disability, individually appropriate environment to
14 provide for basic living arrangements and continuing development of
15 independence or interdependent living skills of the person. These services
16 include, but are not restricted to: case management, medical, education,
17 assistive technology, advocacy, residential, developmental and vocational
18 support; training; active services; day treatment; day activity; respite care;
19 domestic assistance; attendant care; rehabilitation; speech, physical
20 occupational and recreational therapy; recreational opportunities;
21 counseling, including counseling to the person's family, guardian or other
22 appropriate representative; development of language and
23 communications skills; interpretation; transportation and equipment, and
24 other related services.

25 (p) "Respite Care" means in-home or out-of-home temporary,
26 non-medical support for families with individuals with disabilities,

1 **§41303. Administration.** (a) All executive and administrative
2 functions of DSSID are vested in the Administrator, who is the ex-officio
3 non-voting member of the DSSIDC. The Administrator's salary and
4 benefits shall be established in accordance with 4 GCA Government of
5 Guam Unified Pay Schedule.

6 (b) The authority and responsibility of the Administrator shall
7 include the following:

- 8 (1) to see that all rules and regulations of DSSID are
9 enforced;
- 10 (2) to attend all scheduled meetings of the DSSIDC and
11 submit a general report of the affairs of DSSID;
- 12 (3) to keep the DSSIDC advised of the needs of the DSSID;
- 13 (4) to devote his or her entire time to the business of the
14 DSSID;
- 15 (5) to plan, organize, coordinate and control the services of
16 such employees as to achieve the goals of the DSSID;
- 17 (6) will address the current and projected personnel training
18 needs for the DSSID;
- 19 (7) provide for the coordination and facilitation of efforts
20 between DCSID and institutions of higher education and
21 professional associations to recruit, prepare and retain qualified
22 personnel, including personnel from minority backgrounds, and
23 personnel who are individuals with disabilities;
- 24 (8) provide (as appropriate) for entering into agreements
25 with the operators of community habilitation programs for the
26 provision of services for the habilitation of individuals with
27 disabilities;

(9) provide outreach procedures to identify and serve persons with disabilities who are minorities and persons with disabilities who have been unserved or underserved;

(10) develop and implement a strategic plan for expanding and improving community services for persons with disabilities; and

(11) seek and seriously consider on a regular and ongoing basis advice from the DSSIDC regarding the goals and strategic plans developed for the Division;

§41304. Community Services for Persons with Disabilities System.

(a) DSSID shall develop and administer a comprehensive system of programs and services for individuals with disabilities within the limits of local and Federal resources allocated or available for purposes of this chapter. DSSIDC responsibility for individuals with disabilities shall be under one administrative unit for the purpose of coordination, monitoring, evaluation and delivery of services.

(b) DSSID shall ensure the provision of an array of appropriate services and care to individuals with disabilities through the utilization of existing resources within the community, through coordination with programs and services provided under other Federal and local programs through specific funding when no other resources are available. DSSID shall not supplant or duplicate services provided by other Federal and local programs.

(c) Programs of DSSID may include, but not limited to,:.

(1) referral for evaluation of persons with disabilities;

(2) development, planning and implementation in coordination with other Federal or local agencies of service programs for persons with disabilities;

(3) development and provision of service programs in the public or private sectors for persons with disabilities;

(4) establishment of a continuum of comprehensive services and residential alternatives in the community so as to allow individuals with disabilities to live in the least restrictive, individually appropriate environment;

(5) development and implementation of a program for single entry access by individuals with disabilities for services provided in the private sector or other Federal or local programs, including case management and development of an individualized service plan by an interdisciplinary team;

(6) Collaborative and cooperative services with public health and other groups for programs of prevention of disabilities;

(7) Informational and educational services to the general public and to lay and professional groups;

(8) Consultative services to the judicial branch of government, to educational institutions and to health and welfare agencies whether such agencies are public or private;

(9) Provision of community residential alternatives for persons with disabilities, including group homes; and

(10) Provision of other programs, services or facilities necessary to provide a continuum of care for persons with disabilities.

§41305. Application and Assessment for Services; Individualized Service Plans.

(a) DSSID shall develop and administer an application and assessment system for persons with disabilities. If DSSID determines that

1 the person is eligible for services under this Chapter within the limits of
2 Federal or local resources available for the purposes of this Chapter, an
3 individualized service plan for the person shall be prepared within thirty
4 (30) days by an interdisciplinary team for the person and DCSID may
5 provide case management services to the person. DSSID will provide for
6 an annual review and update of plan.

7 (b) The procedure for assessment of the person and elements of
8 the individualized service plan shall be as described in policies and
9 procedures adopted by DSSID. The individualized service plan shall be in
10 writing and shall include, at a minimum, the nature of the needs of the
11 person, goals and specific services to be offered to the person to attain
12 these goals.

13 **§41306. Provision of Services.** Based upon the individualized
14 service plan, DSSID shall, as may be required, refer the person to services
15 provided by DSSID under this Chapter to services provided under other
16 Federal or local laws, or to services provided by appropriately licensed
17 private agencies.

18 **§41307. Duties of DSSID.** The Division of Support Services for
19 Individuals with Disabilities (DSSID) with approval by the Director of
20 "The Department of Integrated Services for Individuals with Disabilities"
21 (DISID), and recommended by the Division of Support Services for
22 Individuals with Disabilities Council (DSSIDC), shall develop policies and
23 procedures which shall include, but not limited to,:

24 (a) Establishment of eligibility requirements for participation in
25 services provided under this Chapter.

26 (b) Establishment of standards of transfer from one facility to
27 another.

1 (c) Provision for the involvement of the individual and where
2 appropriate, the parents, guardian, or other representatives of the
3 individual in the determination of eligibility under this Chapter, the
4 preparation of the individual's individualized service plan and the
5 selection or rejection of services under this Chapter.

6 (d) Protection and enhancement of the rights of individuals
7 receiving or applying for services under this Chapter, including the right to
8 privacy and confidentiality.

9 (e) Develop a case management program in coordinating and
10 monitoring services to individuals with disabilities and follow-up services
11 which assure, through a continuing relationship between an agency or
12 provider that the changing needs of the individual and the family are
13 recognized and appropriately met.

14 (f) Implement procedures to provide contract management, which
15 shall include quality assurance.

16 (g) Other provisions required or appropriate to implement the
17 purposes of this Chapter.

18 **§41308. Establishment of Division of Support Services for**
19 **Individuals with Disabilities Council (DSSIDC).** (a) There is established
20 an advisory council entitled "Division of Support Services for Individuals
21 with Disabilities Council" (DSSIDC) to be composed of fifteen (15)
22 members to be appointed by the Governor. Eight (8) members shall be
23 appointed for two (2) year terms, and seven (7) members shall be
24 appointed for four (4) years. No member shall serve more than two (2)
25 consecutive terms. All members shall serve, in addition to their regular
26 term, until their successors are appointed. Members of the DSSIDC will
27 be appointed within sixty (60) days of enactment of this Act.

1 (b) The terms of the appointment and the terms of the members
2 shall be rotated so that no more than three (3) members' terms shall expire
3 each year.

4 (c) Any vacancy in the membership of the Council shall be filled for
5 the period of the unexpired term in the same manner as was the original
6 appointment.

7 (d) Council members shall serve without compensation; except
8 that each member shall be paid a per diem of Fifty Dollars (\$50.00) for
9 each day of attendance at a meeting of the Council, such compensation not
10 to exceed One Hundred Dollars (\$100.00) per month.

11 **§41309. Composition of the Division of Support Services for**
12 **Individuals with Disabilities Council (DSSIDC).** (a) The members of the
13 DSSIDC shall include: the Director of the Developmental Disabilities
14 Council or his/her designee, the Director of the Department of Education
15 or his/her designee, the Director of the Department of Public Health &
16 Social Services or his/her designee, the Director of the Department of
17 Mental Health & Substance Abuse or his/her designee, the Executive
18 Director of Protection and Advocacy System or his/her designee, the
19 Director of the University Affiliated Program or his/her designee, (1)
20 representatives from nonprofit organizations that provide services to
21 persons with disabilities, one (1) representative from a parent/guardian
22 with a dependent under the age of ten (10) with a disability, one (1)
23 representative from a parent/guardian with a dependent between the
24 ages of 11-18 with a disability, and one (1) representative from a
25 parent/guardian with a dependent over the age of eighteen (18) with a
26 disability (as defined in Article 3, Section 41302(d)), (5) representatives
27 from the community who have varying disabilities.

1 (b) **Removal of DSSIDC Member.** The Governor may remove
2 any member from the DSSIDC for cause including, but not limited to,
3 neglect of any duty required by law, incompetence, unprofessional conduct
4 or willful misconduct. A member subject to disciplinary proceedings shall
5 disqualify himself/herself from the DSSIDC business until the charge(s)
6 are adjudicated.

7 **§41310. Powers of the Division of Support Services for Individuals**
8 **with Disabilities Council (DSSIDC).** (a) The DSSIDC shall elect a
9 chairperson, who shall be a representative from one of the consumer
10 groups; a vice-chairperson and other officers as determined in its rules and
11 regulations. The DSSIDC shall further determine in rules and regulations
12 the number of DSSIDC meetings required and what constitutes a quorum
13 to conduct its business. Members of the DSSIDC shall not hold
14 membership on other Boards or Council in the territory that oversee
15 issues with individuals with disabilities. The rules and regulations shall be
16 promulgated by the DSSIDC in accordance with the Adjudication Act by
17 October 1, 1997.

18 (b) Serve as a public advocate for individuals with disabilities by
19 advising and making recommendations to the Administrator of DSSIDC
20 on matters relating to individuals with disabilities.

21 (c) Participate in public education and awareness activities on the
22 problems, needs, potentials and rights of the disabled persons through
23 affirmative public education programs, including conferences, work-shops
24 and forums.

25 (d) Seek improvements in existing programs and services and
26 identify unmet needs of individuals with disabilities.

1 (e) Initiate and maintain contact with public and private, local and
2 national organizations, agencies and individuals generally engaging in
3 activities relating to disabled persons, or otherwise interested in the
4 general or specific well-being of the disabled.

5 (f) Shall advise the Governor with recommendations for the
6 appointment of the Director.

7 **Section 3. Repeal of P.L. 20-213.** Public Law 20-213 is hereby
8 repealed upon enactment of this Act. The Governor shall utilize all funds,
9 resources and staff of the Commission, for the purpose of facilitating the
10 transition of DISID until September 30, 1997.

11 **Section 4.** Title 5 GCA §50111(c) is hereby amended to read as
12 follows:

13 (c) A fund to be known as the Accessible Parking Fund is hereby
14 created, separate and apart from any other fund of the government of
15 Guam. The Department of Integrated Services for Individuals with
16 Disabilities shall maintain the fund, and shall utilize the fund for the
17 purpose of ensuring community awareness regarding parking issues for
18 individuals with disabilities, which shall include the monitoring and
19 compliance of accessible parking for individuals with disabilities.

20 **Section 5.** Title 16 GCA §§3401.1(e) and (h) are hereby amended to
21 read as follows:

22 (e) A violation of subsections (b), (c) or (d), of this Section shall be
23 punished by a fine of not less than Three Hundred Dollars (\$300.00) and
24 nor more than Five Hundred Dollars (\$500.00). All fines are imposed by
25 the court shall be deposited into the Accessible Parking Fund maintained by
26 the Department of Integrated Services for Individuals with Disabilities
27 pursuant to 5 GCA §50111(c). Additionally, a vehicle which is illegally

1 parked pursuant to this Subsection may be towed, and the owner of the
2 vehicle shall be liable for reasonable towing expenses, which charges shall
3 constitute a lien against the offending vehicle.

4 (h) **Private Persons Authorized to Issue Citations.** Private Security
5 Personnel, and persons who are designated by the Department of
6 Integrated Services for Individuals with Disabilities and employed by
7 Nonprofit Organizations (NPOs) representing or serving people with
8 disabilities, are hereby authorized to issue citations to enforce the
9 provisions of this Act provided they obtain proper training in law
10 enforcement, as evidenced by a certificate of completion from an
11 accredited law enforcement academy or institute. Citation forms may be
12 distributed by the Guam Police Department of use in the enforcement of
13 this Act.

14 **Section 6. Transitional Time Line.**

15 (a) The Division of Support Services for Individuals with
16 Disabilities Council (DSSIDC), upon appointment by the Governor within
17 sixty (60) days of enactment of this Act, shall be responsible for the
18 planning and transition of DISID. Other responsibilities shall include:

19 (1) Develop a transitional plan for the October 1, 1997
20 implementation of DISID which shall include, but not limited to,:
21

22 (a) the review of all programs budgeted and
23 appropriated by the Guam Legislature within the government
24 of Guam for inclusion into the Division of Support Services
25 for Individuals with Disabilities (DSSID). These existing
26 appropriations shall include, but not limited to,: Respite Care
27 (DPHSS), Mary Clare Home (DMHSA), Independent Group
Home and Comprehensive Community Support Services

Program (DPHSS), Community Habilitation Program (DVR), Off-island Residential Placement Program, etc.;

(b) make recommendations to the Governor to the selection and appointment of the Director of DISID;

(c) work with the Civil Service Commission for the creation of the positions of the Director, Administrators for DVR and DSSID and personnel consistent with Title 4, Guam Code Annotated, the Uniform Position Classification and Salary Administration Act of 1991;

(d) work with the Director of the Department of Vocational Rehabilitation for assistance with the transition into DISID as outlined in Section 2 of this Act;

(e) Develop a budget for DISID which shall include personnel, supplies and capital expenditures for the Governor's approval by July, 1997 for implementation in FY97-98. This may include the transferring of personnel, supplies and expenditures within the government of Guam that administers various programs appropriate to be included into DISID.

Section 7. Upon completion of the duties outlined in Section 6 of this Article, the DSSIDC members shall begin their duties and powers as outlined in §41311 in this Act.

Section 8. Severability. If any of the provisions of this Act or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect any other provision or application of this Act, which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

1 **Section 9. Effective Date.**

2 (1) Section 2, Article 1 of this Act shall take effect on October
3 1, 1997.

4 (2) The Department of Vocational Rehabilitation shall
5 continue to function as described in Title 17, Chapter 41, until the
6 repeal and reenactment as outlined in Section 2, Article 2 of this Act
7 at which time shall take effect on October 1, 1997.

8 (3) Section 2, Article 3 of this Act shall take effect on October
9 1, 1997 except for §41308 and §41309, which shall become effective
10 upon enactment of this Act.

11 (4) Sections 3, 4, 5, 6 and 7, 8 and 9 of this Act shall take effect
12 upon enactment of this Act.